

Notice of Allowability

Application No.

09/481,640

Examiner

Clark F. Dexter

Applicant(s)

WHITTEN ET AL.

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on December 18, 2006.
2. ☒ The allowed claim(s) is/are 2,3,10 and 14-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment to the claims was given in a telephone interview with Mr. Werner Sterner on April 2, 2007.

2. The application has been amended as follows:

In the Claims

Claims 2 and 3 have been rewritten as follows:

--Claim 2 (currently amended): A variable length cutting device, comprising:

a rotary cutter; and

a transfer cylinder cooperating with said rotary cutter for cutting a ribbon into signatures having a desired cutoff length, said transfer cylinder having a central cylinder axis, a circumferential region, a gripper and a tucking blade disposed in said circumferential region at a fixed distance from said central cylinder axis, and an adjustable diameter portion disposed between said gripper and said tucking blade in said circumferential region of said transfer cylinder, said adjustable diameter portion being movable in a

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direction toward and away from said central cylinder axis for adjusting the size of the circumference of the transfer cylinder to provide the desired cutoff length of the signatures, and said adjustable diameter portion being an adjustable roller movable in the direction toward and away from said central cylinder axis.

Claim 3 (currently amended): The [[A]] variable length cutting device according to claim 10, further comprising:

~~a rotary cutter; and~~

~~a transfer cylinder cooperating with said rotary cutter for cutting a ribbon into signatures having a desired cutoff length, said transfer cylinder having a central cylinder axis, a circumferential region, a gripper and a tucking blade disposed in said circumferential region at a fixed distance from said central cylinder axis, and an adjustable diameter portion disposed between said gripper and said tucking blade in said circumferential region of said transfer cylinder, said adjustable diameter portion being movable in a direction toward and away from said central cylinder axis for adjusting the desired cutoff length of the signatures; and~~

one of a linear jack and an eccentric jack connected to said adjustable roller diameter portion for moving said adjustable roller diameter portion toward and away from said central cylinder axis.--.

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Claim 10 has been rewritten as follows:

--Claim 10 (currently amended): A variable length cutting device, comprising:

a rotary cutter; and

a transfer cylinder cooperating with said rotary cutter for cutting a ribbon into signatures having a desired cutoff length, said transfer cylinder having a central cylinder axis and a circumferential region, and an adjustable roller disposed in said circumferential region of said transfer cylinder, said adjustable roller being movable in a direction toward and away from said central cylinder axis for adjusting the size of the circumference of the transfer cylinder to provide the desired cutoff length of the signatures.--.

In the Specification

Page 11, line 10, "a jaw cylinder" has been changed to --the jaw cylinder--.

In the replacement paragraph for the paragraph beginning at page 13, line 25 of the specification submitted in the amendment filed on September 24, 2001:

line 8, "such grippers" has been changed to --such as grippers--.

Remarks

3. The above changes to claims 2 and 10 were made to further clarify the claimed invention and are not intended to alter the scope thereof.

4. The above changes to claim 3 were made to obviate the potential rejection of claim 3 involving Hohle et al., pn 5,782,464, wherein a transfer cylinder is disclosed as claimed including one of a linear jack and an eccentric jack (e.g., including 23, 24) connected to the adjustable diameter portion (e.g., 2, 3) for moving said adjustable diameter portion toward and away from said central cylinder axis.

Additional Prior Art

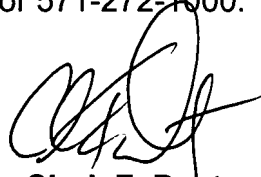
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The newly-cited prior art disclose inventions which have features similar to the claimed invention. However, these inventions, each taken alone or in combination with the prior art of record, do not teach or fairly suggest the claimed invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
April 2, 2007